

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARTIN HAGOPIAN,

Plaintiff,

vs.

Case No. 05-CV-74025
HON. GEORGE CARAM STEEH

DAVID SMITH, et al.,

Defendants.

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ORDER ACCEPTING REPORT AND RECOMMENDATION (#91)
AND GRANTING DEFENDANT PRAMSTALLER'S MOTION
FOR SUMMARY JUDGMENT (#88)

On referral from this court, Magistrate Judge Mona Majzoub issued a July 17, 2008 Report and Recommendation recommending that defendant George Pramstaller's motion for summary judgment be granted to the extent that: (1) plaintiff Hagopian's federal Eighth Amendment claims of deliberate difference to medical needs be dismissed with prejudice for failure to allege or proffer evidence beyond respondeat superior liability; and (2) plaintiff Hagopian's state law claims of gross negligence and reckless endangerment be dismissed without prejudice pursuant to 28 U.S.C. § 1367(c)(3) (authorizing district court to decline exercising supplemental jurisdiction over state claims where all federal claims against a defendant have been dismissed). "A judge of the court shall make a de novo determination of those portions of a report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636 (b)(1)(C). Hagopian has not filed objections as of the date of this Order. Having reviewed the Report and Recommendation,

The Magistrate Judge's July 17, 2008 Report and Recommendation is hereby ACCEPTED. Defendant George Pramstaller's motion for summary judgment is hereby

GRANTED. Hagopian's federal claims against Pramstaller are hereby DISMISSED, with prejudice. Hagopian's state claims against Pramstaller are hereby DISMISSED, without prejudice.

SO ORDERED.

Dated: December 16, 2008

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on December 16, 2008, by electronic and/or ordinary mail.

s/Marcia Beauchemin
Deputy Clerk